

FOREIGN CLAIMS SETTLEMENT COMMISSION  
OF THE UNITED STATES  
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

ABUNDIO E. BLANCO

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU-3605

Decision No. CU -1673

FINAL DECISION

By Proposed Decision of April 10, 1968, the Commission denied this claim for the reason that the claimant, ABUNDIO E. BLANCO, had failed to submit evidence in support of his claim, including data to establish his nationality. Thereafter, claimant submitted evidence pertaining to the ownership and loss of the property, subject of the claim; objected to the Proposed Decision, and requested an Oral Hearing concerning his claim.

Full consideration having been given to the objections of claimant and to the entire record, including evidence presented at the Oral Hearing, held on October 31, 1968, which established that claimant herein is a Cuban citizen, it is

ORDERED that the Proposed Decision be amended as follows:

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964), 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the Act provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of

the United States against the Government of Cuba arising since January 1, 1959 for

losses resulting from the nationalization, expropriated, intervention or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.

Section 504 of the Act provides, as to ownership of claims, that

(a) A claim shall not be considered under section 503(a) of this title unless the property on which the claim was based was owned wholly or partially, directly or indirectly by a national of the United States on the date of loss and if considered shall be considered only to the extent the claim has been held by one or more nationals of the United States continuously thereafter until the date of filing with the Commission:

Section 502(1)(A) of the Act defines the term national of the United States to mean a natural person who is a citizen of the United States. The term does not include aliens.

Thus, in order for the Commission to favorably consider claims under Section 503(a) of Title V of the Act, it must be established (1) that the subject property was owned in whole or in part by a national of the United States on the date of nationalization or other taking; and (2) that the claim arising as a result of such nationalization or other taking has been continuously owned thereafter in whole or in part by a national or nationals of the United States to the date of filing with the Commission.

According to claimant's statements he is not a national of the United States. Therefore, even if it were to be assumed that the property, subject of this claim, had been effectively taken by the Government of Cuba it is clear that the property in question was not owned by a national of the United States on the asserted date of loss and any claim therefor was not owned by a national of the United States on May 31, 1967, the date on which the claim was filed with the Commission.

Accordingly, the Commission concludes that this claim is not valid under Title V of the Act in that the property was not owned by a national of the United States on the asserted date of loss and any claim therefor.

was not owned by a national of the United States on the date of filing claim with this Commission; and, therefore, it is hereby denied.

The remainder of the Proposed Decision, as amended herein, is hereby affirmed and the Commission deems it unnecessary to make specific findings with respect to other elements of this claim.

Dated at Washington, D.C.,  
and entered as the Final  
Decision of the Commission

NOV 27 1968

*Leonard v. B. Sutton*

Leonard v. B. Sutton, Chairman

*Theodore Jaffe*

Theodore Jaffe, Commissioner

*Sidney Freidberg*

Sidney Freidberg, Commissioner

FOREIGN CLAIMS SETTLEMENT COMMISSION  
OF THE UNITED STATES  
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

ABUNDIO E. BLANCO

Claim No. CU -3605

Decision No. CU

**1673**

Under the International Claims Settlement  
Act of 1949, as amended

PROPOSED DECISION

This claim against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$40,000.00, was presented by ABUNDIO E. BLANCO and is based upon the asserted loss of real property and personal property located in Cuba. No evidence has been submitted to establish the nationality of the claimant.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964) 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)]<sup>7</sup>, the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the Act provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959 for

losses resulting from the nationalization, expropriation, intervention or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.

Section 502(3) of the Act provides:

The term 'property' means any property, right, or interest including any leasehold interest, and debts owed by the Government of Cuba or by enterprises which have been nationalized, expropriated, intervened, or taken by the Government of Cuba and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

Section 504 of the Act provides, as to ownership of claims, that

(a) A claim shall not be considered under section 503(a) of this title unless the property on which the claim was based was owned wholly or partially, directly or indirectly by a national of the United States on the date of the loss and if considered shall be considered only to the extent the claim has been held by one or more nationals of the United States continuously thereafter until the date of filing with the Commission.

The Regulations of the Commission provide:

The claimant shall be the moving party and shall have the burden of proof on all issues involved in the determination of his claim. (FCSC Reg., 45 C.F.R. §531.6(d) (Supp. 1967).)

Claimant asserts the loss of his business and real property in Cuba.

However, other than the statements submitted on the claim form, no evidence was submitted in support of this claim. Accordingly, by Commission letter of July 6, 1967, claimant was advised as to the type of evidence proper for submission to establish this claim under the Act. No evidence in response to this correspondence has been received to date.

On January 16, 1968, claimant was invited to submit any evidence available to him within 45 days from that date, and he was informed, that, absent such evidence, it might become necessary to determine the claim on the basis of the existing record. No evidence has since been submitted.

CJ-3605

The Commission finds that claimant has not met the burden of proof in that he has failed to establish ownership of rights and interests in property which was nationalized, expropriated or otherwise taken by the Government of Cuba. Accordingly, this claim is hereby denied. The Commission deems it unnecessary to make determinations with respect to other elements of the claim.

Dated at Washington, D. C.,  
and entered as the Proposed  
Decision of the Commission

APR 10 1968

*Leonard v. B. Sutton*

Leonard v. B. Sutton, Chairman

*Theodore Jaffe*

Theodore Jaffe, Commissioner

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g) as amended, 32 Fed. Reg. 412-13 (1967).)

CU-3605